IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL WRIT PETITION NO.564 OF 2007

Mr.Paresh Devraj Vira & Ors ..Petitioners.
Vs.
Mr.Jayantilal Kalyanji Gada & Anr. ..Respondents.

Mr.S.V.Marwadi, adv. for the Petitioners.
Ms.Vasanti Joshi, adv. for the Respondent No.1.
Mr.Y.S.Shinde, APP for the Respondent/State.

CORAM : J.H.BHATIA, J.
DATE : JUNE 27, 2007.

P.C.

1. Heard Mr.Marwadi the learned counsel for the petitioners and Ms.Joshi the learned counsel for the respondent no.1. The respondent no.1 is original complainant. Initially she had lodged report with Economic Offence Wing but no action was taken. Thereafter, she filed private complaint and the Magistrate directed investigation under Section 156(3) of the Cr.P.C. Police submitted report that it was neither false nor a true case and it appears to be a civil matter and, therefore, police did not file charge-sheet. On this report, the complainant was heard and the learned Magistrate in spite of report of the police decided to issue process against the accused/applicants on the ground that the prima-facie case was made out. That order was challenged by the petitioners in the Revision Application, which was also

dismissed. Thereafter, the petitioners have filed this writ petition challenging the issuance of process.

2. The whole matter is based on the oral and documentary evidence and the Magistrate was satisfied that it is a fit case for issuance of process . Revision Application has been rejected after hearing the parties. Present writ petition is nothing more than second Revision Application, which is not allowed under the law. In view of the facts, I am not inclined to invoke jurisdiction under Article 227 of the Constitution of India or under Section 482 of the Cr.P.C. The petitioners will have an opportunity to seek discharge as and when the matter is taken up for framing of the charge before the Magistrate.

3. With aforesaid observations, this petition stands dismissed summarily.

[J.H.BHATIA, J.]